

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D. C. Office of Personnel**

**District Personnel Manual Issuance System**

This bulletin should be filed behind the divider for Part III of DPM Chapter(s) <b>11B</b>
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**DPM Bulletin No. 11B-31**

**SUBJECT:** Operation Enduring Freedom and Operation  
Iraqi Freedom Active Duty Pay Differential

Date: August 31, 2004

**1. Purpose**

The purpose of this bulletin is to inform agencies under the personnel authority of the Mayor of the procedures to follow in continuing to pay the active duty pay differential to employees called to active duty as a result of the Operation Enduring Freedom and Operation Iraqi Freedom conflicts.

**2. Authority**

- (a) D.C. Law 15-158, the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2004 (D.C. Act 15-393), effective **May 18, 2004**; and
- (b) Notice of Emergency Rulemaking adopted July 15, 2004; published at 51 DCR 7655 (August 6, 2004).

**[TEMPORARY ACTS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA REMAIN IN EFFECT FOR 225 DAYS.]**

**3. Eligibility**

Any full-time permanent, term or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been called to active duty as a result of the Operation Enduring Freedom and/or Operation Iraqi Freedom conflicts is eligible to receive, upon making application for and upon approval of that application, the active duty pay differential. There is no requirement that a covered employee be released from active duty, nor return to employment with the District government, to be eligible to make application for and receive the pay differential.

**4. Definitions**

The following terms have the meaning ascribed:

- (a) **Active duty** — full-time duty in the active military service of the United States for the Operation Enduring Freedom conflict, or, in preparation for, or, for the Operation Iraqi Freedom conflict.
- (b) **Covered employee** — any full-time permanent, term or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been called to active duty as a result of the Operation Enduring Freedom and/or the Operation Iraqi Freedom conflicts.

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*Note: DPM Bulletins that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3.]*

**Inquiries:** Policy & Program Development Services, 442-9644

**Distribution:** Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

**Expires:** November 15, 2004

- (c) **Operation Enduring Freedom** — the period encompassed within Executive Order 13223 Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation, effective September 14, 2001, and amended by Amendment to Executive Order 13223, effective January 16, 2002 and ending on the date the employee is released from active duty occasioned by Operation Enduring Freedom.
- (d) **Operation Iraqi Freedom** — the period encompassed within the Joint Resolution entitled Authorization for Use of Military Force Against Iraq Resolution of 2002, approved October 16, 2002 (P.L. 107-243) and ending on the date the employee is released from active duty occasioned by Operation Iraqi Freedom.
- (e) **Reserve component** — has the meaning prescribed in 37 U.S.C. § 101(24).
- (f) **Armed forces** — has the meaning prescribed in 10 U.S.C. § 101 (a)(4).
- (g) **District government basic pay** — the employee's scheduled rate of pay plus any additional pay that is defined as basic pay for annuity computation purposes in the retirement system in which the employee is a participant, as follows:
  - (1) For District Service (DS) employees, Management Supervisory (MS) Service employees, Recreation Rate employees, and Medical Service Stipend employees, basic pay is defined as the employee's scheduled rate of pay.
  - (2) For Regular Wage, Leader Wage and Supervisory Wage Service employees, and Task Grade employees, basic pay is defined as the employee's scheduled rate of pay plus any night shift differentials and environmental differential;
  - (3) For Police Service employees, basic pay is defined as the employee's scheduled rate of pay plus any technicians' pay, additional compensation for helicopter pilot and bomb disposal, and base retention differential; and
  - (4) For Fire Service employees, basic pay is defined as the employee's scheduled rate of pay plus any technicians' pay and retention incentive.
- (h) **Basic military pay** — the basic pay under 37 U.S.C. § 204.

## 5. General

**D.C. Law 15-158** provides that each employee who has been called to active duty or retained for active duty as a result of Operation Enduring Freedom and/or Operation Iraqi Freedom as a member of a reserve component of the armed forces is entitled to apply for and receive a pay differential to compensate the employee for any difference between the employee's District government basic pay and his or her basic military pay. The purpose of the Act is to provide a pay differential to covered employees who suffer a loss of income because their basic military pay is less than their District government basic pay for the period these employees are carried in a leave-without-pay status for active duty due to the conflicts.

## 6. Period of Entitlement to the Active Duty Pay Differential

A covered employee's total period of entitlement to the active duty pay differential must not exceed the period following the formal inception of Operation Enduring Freedom through the date the eligible employee is released from active duty occasioned by Operation Enduring Freedom, Operation

Iraqi Freedom, and/or related military operations. The active duty pay differential is not to be paid for any period of military service that occurred before September 14, 2001, nor following the eligible employee's release from active duty and the employee's return to his or her District government position.

## 7. Applications for the Active Duty Pay Differential

- (a) The "Application for Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential" form (application form) (Attachment 1) is to be used to apply for the active duty pay differential. This form is to be obtained from the Human Resources (HR) Advisor of the agency that last employed the eligible employee before he or she was ordered to active duty.
- (b) A covered employee who has been released from active duty is to complete the application form, and must:
  - (1) Provide a copy of his or her military orders activating the employee for full-time active military service for the Operation Enduring Freedom, Operation Iraqi Freedom, and/or related military operations;
  - (2) Provide a copy of his or her military orders releasing the employee from full-time active military service for the Operation Enduring Freedom, Operation Iraqi Freedom, and/or related military operations;
  - (3) Provide documentation of the military pay received for the period of active duty covered by the application; and
  - (4) Indicate on the application form whether additional applications for financial support have been filed, the amount of any such support received, and from whom such support was received.
- (c) A covered employee who has not been released from active duty may make application for and receive the pay differential. In such a case, the employee, or his or her family member, is to follow the procedures in paragraph 7(a), above, **except that** in lieu of providing a copy of the military orders releasing the employee from active duty, a letter is to be provided from the employee's commanding officer attesting to the fact that the employee, as of the date of application for the pay differential, is still in an active duty status. In addition, an employee who has not been released from active duty may make subsequent application(s) for the pay differential for periods of active duty not covered by previous applications.

For example, an eligible employee who was called to active duty for one (1) year beginning on September 14, 2001, and who, as of April 30, 2002, has not been released from active duty, may make application for the active duty pay differential to cover the period from September 14, 2001, through April 30, 2002. The employee may then make subsequent application(s) for the pay differential to cover other periods of active duty.

- (d) The estate of any covered employee who has been killed while in active duty or who is missing in action as a result of active duty may make application for and receive any pay differential to which the employee would have been entitled. In such a case, the employee's estate is to make application on behalf of the employee utilizing the procedures in paragraph 7(a), above, except that in lieu of providing a copy of the orders releasing the employee from active duty, a copy of the employee's death certificate or other documentation attesting to the employee's status as "missing in action" is to be provided.
- (e) Completed applications and supporting documentation are to be returned to the agency's HR Advisor for processing.

## 8. Computing the Active Duty Pay Differential

- (a) The HR Advisor of the agency that last employed the eligible employee is to receive the application and supporting documentation for the active duty pay differential and insure that the information is complete and accurate. The HR Advisor must confirm that the employee is eligible to receive the pay differential and that he or she has provided complete military pay documentation for the period of active duty covered by the application form. For example, if an employee makes an application for the active duty pay differential for the period of September 14, 2001 through April 30, 2002, the employee must provide documentation of his or her military pay received for each month of the period that began on September 14, 2001 and ended on April 30, 2002.

If the application is incomplete or inaccurate, the application is to be returned to the employee (or his her family member or estate, as appropriate) for correction.

- (b) The HR Advisor is to forward the application and documentation, plus legible photocopies of the employee's original Time and Attendance Reports for the period of absence covered by the employee's application, to the Office of Pay and Retirement Services for payment.

Because each eligible employee's active duty pay differential will be generated through the automated supplemental payroll system, each employee's Time and Attendance Report must be posted to indicate the tour of duty that the employee would have worked had he or she not been in a leave-without-pay (LWOP) status for active duty. When preparing a Time and Attendance Report, the employee's original Time and Attendance Report is to be photocopied, and the regular hours and any differential hours that are basic pay that the employee would have worked are to be posted. To post the hours the employee would have worked except for the fact that he or she was in a leave-without-pay status, strike through the "time in pay status" entries that apply to leave-without-pay hours and enter the hours the employee would have worked, including applicable pay differential hours. These entries are to be made with a red pen. **Any differential that is premium pay is not to be posted.**

Further, to avoid repayment of leave taken, the **hours during which an employee was on annual leave, military leave, personal leave, or compensatory time are not to be posted.** By following this procedure, the maximum number of regular hours of work that can be posted for any pay period will not exceed the number of hours the employee was in a LWOP status for that pay period. If, on review of the Time and Attendance Reports, the total of newly posted regular hours exceeds the number of LWOP hours, an error has been made and the Time and Attendance

Report must be corrected. The fact that the Time and Attendance Report will be modified to post the hours that the employee would have worked had he or she not been in a LWOP status for active duty **will not** result in a change to the employee's LWOP status. The only purpose for posting time on the Time and Attendance Report is to provide the basis for payment of the active duty pay differential.

For example, upon returning to his District government position from active duty, a Regular Wage Service employee makes application for the active duty pay differential. The employee was regularly scheduled to work from 2:15 p.m. to 10:45 p.m., including lunch, on Monday through Friday. The employee was ordered to active duty on September 14, 2001; he requested and was charged 26 hours of annual leave to cover a portion of his absence for active duty. The remaining period of absence for active duty, except for 15 days of military leave granted pursuant to DPM Instruction No. 12-20, was charged to leave without pay. The period of active duty covered by the application is September 14, 2001 through April 30, 2002, the date on which he was released from active duty.

The employee's Time and Attendance Reports for the period of active duty must be photocopied and posted to show the hours that the employee would have worked had he or she not been in a LWOP status for active duty. September 14, 2001 was the last Friday in the pay period that ended September 22, 2001 (pay period #20). Therefore, the Time and Attendance Report for pay period #20 would be the first report to be evaluated. Because the employee was in a paid leave status (8 hours of annual leave) on September 14, 2001 (Friday), this Time and Attendance Report is not to be posted or forwarded to the Office of Pay and Retirement Services. However, the Time and Attendance Report for pay period #21 would be posted because the employee had only 18 hours of annual leave to his credit to cover his 80-hour tour of duty-the employee was placed in a leave without pay status for 62 hours for pay period #21. Therefore, the Time and Attendance Report for pay period #21 would be posted to show the 6 hours that the employee would have worked on

Wednesday, September 26, 2001, (the employee had 2 remaining hours of annual leave charged on Wednesday), plus the hours the employee would have worked for the remainder of the pay period but for the fact that he was in a LWOP status. Because night shift differential for Wage Service employees is basic pay, the hours posted would also include the first shift night differential that the employee would have worked.

The "Remarks" section of each Time and Attendance Report must state: "Compute active duty pay differential."

A copy of the application, including documentation, is to be maintained in the agency time and leave record for the employee.

- (c) The Office of Pay and Retirement Services is to compute the employee's pay differential for the period covered by the application. The pay differential is to equal the difference between the employee's District government basic pay (based on the Time and Attendance Reports submitted by the agency) reduced by the employee's basic military pay. **The pay differential is not payable for any days for which the employee received pay for any annual leave, military leave, compensatory time or any other form of paid leave taken by the employee.**
- (d) The active duty pay differential is not considered basic pay for any purpose and is subject to deduction only for taxes and social security, if applicable. Receipt of the active duty pay

differential does not change the employee's leave-without-pay status, and does not permit the accrual of leave or the re-crediting of annual leave taken by the employee while on active duty.

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- (e) Any pay differential is to be paid by, and out of the funds or appropriations then currently available for salaries and expenses of, the agency that last employed the covered employee before he or she was ordered to active duty for Operation Enduring Freedom and/or Operation Iraqi Freedom.

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Rosalind R. Inge  
Interim Director of Personnel

- Attachment 1: Application for Operation Enduring Freedom/Operation Iraqi Freedom Active Duty Pay Differential
- Attachment 2: D.C. Act 15-393, the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Act of 2004 (Enrolled Original)
- Attachment 3: Notice of Emergency Rulemaking

(Signature of HR Advisor)









